


MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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To: Monroe County Planning Commission
Through: Townsley Schwab, Senior Director of Planning & Environmental Resources
From: Joseph Haberman, AICP, Principal Planner 
Date: May 6, 2010
Subject: *Proposed Ordinance to the Board of County Commissioners to amend Section 138-23 of the Monroe County Code, Moratorium on new transient units*

Meeting: May 26, 2010

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2 I REQUEST
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4 The Planning & Environmental Resources Department is proposing an amendment to the text
5 of §138-23 of the Monroe County Code, which concerns the County's moratorium on new
6 transient units.
7

8 II RELEVANT PRIOR COUNTY ACTIONS AND BACKGROUND INFORMATION:
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10 Language concerning the moratorium on new transient units exists in both the Monroe
11 County 2010 Comprehensive Plan and the Monroe County Land Development Code.
12

13 In 1996, the moratorium was enacted by the BOCC with the adoption of the Monroe County
14 2010 Comprehensive Plan and Policy 101.2.6 wherein. Policy 101.2.6 required the County
15 to adopt a land development regulation by January 4, 1996 prohibiting new transient
16 residential units until December 31, 2001. Policy 101.2.6 also required the County to either
17 extend the prohibition until December 2006 or revise the Rate of Growth Ordinance (ROGO)
18 permit allocation system to allocate a percentage of residential growth to transient units. In
19 2009, Ordinance #035-2009 amended Policy 101.2.6 to extend the moratorium until July 31,
20 2010.
21

22 In order to fulfill the requirement of Policy 101.2.6 to adopt a land development regulation
23 prohibiting new transient units, in 1999, the BOCC adopted Ordinance #047-1999, thus
24 establishing Monroe County Code §9.5-120.5. §9.5-120.5 stated: New transient residential
25 units, such as hotel or motel rooms, or campground, recreational vehicle or travel trailer
26 spaces, shall not be eligible for residential ROGO allocations until January 1, 2002.
27

28 In 2002, Ordinance #001-2002 amended §9.5-120.5 to read: New transient residential units,
29 such as hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces,
30 shall not be eligible for residential ROGO allocations until December 31, 2006.
31

1 In 2007, Ordinance #001-2007 amended §9.5-120.5 to read: New transient residential units,
2 such as hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces,
3 shall not be eligible for residential ROGO allocations until December 31, 2007 or until new
4 Land Development Regulations are adopted to permit new transient units.

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6 In 2008, Ordinance #003-2008 amended §9.5-120.5 to read: New transient residential units,
7 such as hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces,
8 shall not be eligible for residential ROGO allocations until December 31, 2008 or until new
9 Land Development Regulations are adopted to permit new transient units.

10 11 III REVIEW

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13 The language of §9.5-120.5 (since renumbered to §138-23 in 2009) remains in the Monroe
14 County Code as last revised via Ordinance #003-2008 with a moratorium expiration date of
15 December 31, 2008 or until new Land Development Regulations are adopted to permit new
16 transient units. However, Ordinance #035-2009 amended Policy 101.2.6 to extend the
17 moratorium until July 31, 2010. As policies within the comprehensive plan supersede
18 regulations with the Monroe County Code, the moratorium remains in effect.

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20 Policy 101.2.6 currently reads: Monroe County shall prohibit new transient residential units
21 including hotel or motel rooms, campground spaces, or spaces for parking a recreational
22 vehicle or travel trailer until July 31, 2010.

23
24 As documented in the previous section, the moratorium has been extended since 1996 by
25 several ordinances. However, Policy 101.2.6 and §138-23 (previously numbered §9.5-120.5)
26 were never amended at the same time to provide the same expiration date. In order to
27 alleviate confusion in the future, Planning & Environmental Resources Department staff are
28 concurrently amending both Policy 101.2.6 and §138-23 in order to provide the same
29 expiration date. This report and the recommended text amendment contained wherein only
30 pertains to the modification of the now-defunct expiration date of December 31, 2008 within
31 §138-23 of the Monroe County Code.

32
33 Since the last extension of the moratorium, via Ordinance #035-2009, staff has reviewed data
34 relating to the need for additional transient units and formulated several options on how the
35 County could permit new transient units if a need for additional transient units is
36 demonstrated. However, additional time is required for staff to complete the review of data,
37 sufficiently analyze said data and finalize the options for presentation to the public, planning
38 commission and the BOCC.

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40 Therefore, staff recommends the following changes (deletions are ~~stricken through~~ and
41 additions are underlined):

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43 New transient residential units, such as hotel or motel rooms, or campground,
44 recreational vehicle or travel trailer spaces, shall not be eligible for residential
45 ROGO allocations until December 31, ~~2008~~ 2011.

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2 IV RECOMMENDATION
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4 Staff recommends that the Board of County Commissioners amend the Monroe
5 County Code as stated in the text of this staff report.